

# The UK's proposed referendum on Europe would test British commitment to the European Union

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12/07/2013

*How can European states test popular commitment to the European Union? **Richard Rose** assesses the use of referendums to gain consent from European citizens for the integration process. While three quarters of member states have held at least one referendum on Europe, the UK is notable for allowing major changes in the powers of government to be approved by a simple majority in parliament. He argues that even if the current clamour in the UK for a referendum is unsuccessful, the issue of Europe is unlikely to go away without pro-EU politicians making a positive case for Britain's membership.*



An intelligent question is lost amidst the clamour and confusion of the British debate about holding an EU referendum on the European Union: What does it require to secure the commitment of citizens to the authority of Brussels' institutions? Consistent with every European being a citizen of a member state as a condition of becoming an EU citizen, two different answers can be given.

EU treaties are agreements between states not 'We, the peoples of Europe'. All of a state's citizens are thereby committed, even though the government signing the treaty has usually been elected with no more than half the national vote. The Lisbon Treaty was signed by a Labour government that had won office with only 35 per cent of the UK vote. Each newly elected government inherits a succession of EU treaties signed by long gone and often dead politicians.

Treaties are constitutional documents, because they add powers to institutions established by the 1957 Treaty of Rome. The great majority of EU member states require constitutional amendments to be approved by special procedures such as a super-majority vote, a concurring majority of two separate chambers of government, or a national referendum. The UK is exceptional in allowing major changes in the powers of government to be approved by a bare majority, as happened in Britain's acceptance of the Maastricht Treaty.

EU rules leave to member states decisions about how to ratify EU treaties. Consistent with theories of representative democracy, ratification by a national parliament is considered sufficient. However, the national constitutions of Ireland and Denmark required a referendum and three-quarters of member states have

held at least one referendum on Europe. EU rules give each member state the same right as an 18<sup>th</sup> century Polish nobleman in its *Sejm*: a single vote against a Treaty that is acceptable to 27 other member states is enough to prevent its adoption. Hence, when Danes or Irish have rejected a treaty, a second ballot has been called to get a vote in favour of Europe.

Leaving the decision about calling a referendum in the hands of member states creates great inequality among Europe's citizens. Up to 99 per cent of Europe's citizens have *not* been asked whether they are committed to an



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expansion of the EU's powers. This suits the Brussels community, for a defining characteristic of a democratic referendum is that citizens are given the right to reject what their governors have agreed to. In a big majority of cases, this does not happen. However, every referendum reveals that even though a state as a whole is committed to Europe, its citizens are divided. The average division of a treaty vote is 57 per cent in favour and 43 per cent against.

The UK is now in the forefront of the campaign for an EU referendum, albeit its proponents want to undo the commitments of governments from Ted Heath to Gordon Brown. The 2011 Referendum Act, which would trigger a UK referendum on a future transfer of powers to Brussels, does not satisfy anti-EU Tories. The trigger can only be pulled if a new Treaty is adopted and EU policymakers are doing everything they can to avoid this. New powers have been claimed to deal with the Eurozone crisis through documents that walk and talk and squawk like a treaty, but are considered to be a *vertrag*, a useful German term that can mean contract or treaty. Some critics see it as a *diktat*.

The [private member's bill](#) currently in the House of Commons has fudged two conflicting positions. Many backbench Tories are marching to the theme of the 1960s musical, "Stop the World I Want to Get Off". They favour Britain withdrawing from Europe. David Cameron's position appears to be: "Reverse the World, I Want to Get Half Off", that is, to repatriate to the UK a significant number of EU powers. This would be followed by a British referendum to endorse what he would trumpet as a success, confirmation of Britain as an offshore island of Europe. In the abstract, this may be justified by noting that the EU, like any institution that has grown over the years, could benefit from reform, including a pruning of powers. In terms of practical politics, it is not on. The *acquis communautaire*, the 100,000 pages of EU law, is not available for re-negotiation on the terms that British Conservatives want. However, EU law does allow for a member state to withdraw – and a referendum on this issue would suit many Tories.

Anti-EU Tories are in a race against the calendar, for parliamentary procedure can be used to prevent a private member's bill going through all the stages necessary for enactment before the British general election due in May, 2015. This is the hope of pro-EU politicians. The 5<sup>th</sup> July second reading vote on the private member's bill was revealing. It carried 304 to 0, because Conservative MPs were ready to stand up in favour of an EU referendum, while Labour and Liberal MPs avoided recording their position on the issue.

With or without a referendum, the political debate about Europe will not go away without pro-EU politicians being forced to fight for continued British membership. Next May Britons will vote to elect a bloc of Members of the European Parliament. A "good" vote for Europe would be if Labour came first and UKIP second or even third. Yet such an outcome would still show a majority of voters endorsing parties that are against the EU as it is today. The following twelve months will see UKIP offering Tory MPs the choice of running for re-election with a Britain out election address or having a UKIP candidate threatening their defeat by doing so. In a sense, this would make David Cameron presidential, for Barack Obama too is powerless to determine how Members of Congress run for re-election.

As and when events require the EU's supporters to make a case for British membership, three strategies are available. An answer could be given to the question that a former U.S. Secretary of State posed in 1962: Having lost an Empire, what is Britain's role in the world? A campaign could be fought on the merits of the EU as it is, warts and all. [Hilaire Belloc](#) offers a third alternative: Keep ahold of Nurse for fear of finding something worse.

*This article draws on Richard Rose's new book, [Representing Europeans: A Pragmatic Approach](#) (Oxford University Press, 2013). A discount is available from the [OUP website](#) by entering the promotional code AAFLY4 at the checkout stage.*

*Professor Rose also delivered a public lecture at the LSE's European Institute on this topic, a podcast of which is available [here](#).*

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*Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.*

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